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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/060,343	04/14/1998	JAMES J. LEFTWICH	14774-82-1	9495

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EXAMINER
VU, NGOC K

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 March 2002</u> .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,8-12,14-21,24-27,30 and 31* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4,8-12,14-21,24-27,30 and 31* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has

been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 3/28/2002 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-4, 8-12, 14-21, 24-27 and 30-31 have

been considered but are moot in view of the new ground(s) of rejection.

Drawings

3.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every

feature of the invention specified in the claims. Therefore, the features "a first memory", "a

second memory", and "a third memory" in claim 9 must be shown or the features canceled from

the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office

action to avoid abandonment of the application. The objection to the drawings will not be held in

abeyance.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 9-16 are rejected under 35 U.S.C.112, first paragraph, as being the specification

does not contain a written description of the invention or the features in such full, clear, concise,

and exact terms as recited in claims.

Claim 9 recited the features "a first memory", "a second memory", and "a third memory"

for storing the available television program listings, a first filter and a second filter, respectively.

Three memories are not specifically described in the specification. Instead, the specification

described a database for storing the program guide data. Particularly, the specification discloses

the non-cable sources 400 supply program guide to the EPG generator 402 which is stored in a

data base. The filters can then be applied to program data stored in the data base to generate a

filtered EPG for cable and non-cable programming (see specification on page 7, lines 30-34).

There are no physical three memories as recited in claim 9 for storing a database, a first filter

and a second filter, respectively, that are disclosed in the specification. Appropriate correction

requested.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of

1999 (AIPA) do not apply to the examination of this application as the application being

examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35

U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the

amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7.   Claims 1-4, 8-12, 14-21, 24-27 and 30-31 are rejected under 35 U.S.C. 102(e) as being

anticipated by White et al. (US 5,596,373).

        Regarding claim 1, White teaches a method for managing television program listings

comprising: storing available television program listings grouped in a plurality of predetermined

subsets of television programs in one or more databases (RAM 51 stores EPG data including

guide data, channel data and program data – see col. 7, lines 6-10 and 30-32); utilizing a first

filter to select one of the plurality of predetermined subsets of television programs (for

instance, selecting one of the sub-categories including children, education, music...);

generating an electronic program guide including television program listings in said selected

subset; and displaying the generated electronic program guide on a display (generating the

television program listings of the selected sub-category and displaying those in EPG as shown

in figures 13 and 14).

        Regarding claim 2, White discloses utilizing said first filter and a second filter for

selecting a second of the plurality of predetermined subsets of television programs to generate

the electronic program guide displaying television program listings including all of the

programs include in said first subset and all of the programs included in said second subset.

White clearly discloses that the user can select all or some of the subcategories (see col. 7,

lines 25-27), For instance, as shown in figure 13, the user selects a "first subset" or sub-

category "children" with a check mark, then select a "second subset" or sub-category "music"

with a check mark...and so on. The EPG displays the program listings including all of the

selected subsets or selected sub-categories.

        Regarding claim 3, White teaches utilizing said first filter and said second filter, wherein

at least some of the television programs of the first subset are the same as at least some of

the television programs of the second subset, with the second filter, and to generate the

electronic program guide displaying television program listings including programs included in both said first and second subsets. For instance, some television programs of the sub-category "education" are the same as at least some of the television programs of sub-category "children".

Regarding claim 4, White teaches creating a filter utilizing a list of program/event entries in the program listing database, for instance, generating the selected programs under the sub-categories (see col. 7, lines 19-24).

Regarding claim 8, White teaches a consumer device stores the television and the first filter is input into the consumer device from a source external to the consumer device. For instance, the channel data is received from a predetermined transponder and the channel number and channel name are stored in DRAM 25a. Additional channel information such as the channel logo is stored in the ROM 36 (see col. 5-6, lines 67-3).

Regarding claim 9, White teaches a system for managing television program listing comprising: a first memory for storing a database of available television program listings grouped in a plurality of predetermined subsets of television programs, a second memory for storing a first filter comprising a first list of one of the plurality of predetermined subsets of television programs, and a third memory for storing a second filter comprising a second list of one of the plurality of predetermined subsets of television programs (EPG data includes guide data, channel data and program data which are stored in the data buffer of IRD, the CPU generates a table of pointers 736 to the EPG stored in memory; and a table for generating displaying information is stored in the ROM 37 – see col. 5, lines 6-48); and a processor (29) which selects a first subset of programs according to the first filter and a second subset of programs according to the second filter to generate an electronic program guide displaying television program listings included in said first subset and said second subset (the CPU 29 is the central control mechanism and executes code stored in the ROM 37 to perform certain functions of the system. For instance, as shown in figure 13, the user selects a "first subset" or sub-category "children" with a check mark, then select a "second subset" or sub-category "music" with a check mark...and so on. The EPG displays the program listings including all of the selected subsets or selected sub-categories – see col. 4, lines 28-30 and figure 13), wherein at least some of the programs in the first subset are different from the programs of the second subset, and at least some of the programs in the second subset are different from the program of the first subset (for instance, some of the programs in the "first subset" or first sub-category "soap opera" are different from the programs of the "second subset" or second sub-category "children").

Regarding claim 10, White discloses utilizing said first filter and a second filter for selecting a second of the plurality of predetermined subsets of television programs to generate the electronic program guide displaying television program listings including all of the programs include in said first subset and all of the programs included in said second subset. White clearly discloses that the user can select all or some of the subcategories (see col. 7, lines 25-27), For instance, as shown in figure 13, the user selects a "first subset" or sub-category "children" with a check mark, then select a "second subset" or sub-category "music" with a check mark...and so on. The EPG displays the program listings including all of the selected subsets or selected sub-categories.

Regarding claim 11, White teaches utilizing said first filter and said second filter, wherein at least some of the television programs of the first subset are the same as at least some of the television programs of the second subset, with the second filter, and to generate the electronic program guide displaying television program listings including programs included in both said first and second subsets. For instance, some television programs of the sub-category "education" are the same as at least some of the television programs of sub-category "children".

Regarding claim 12, White teaches creating a filter utilizing a new subset of the stored television program listings, for instance, generating the selected programs from one or more the sub-categories (see col. 7, lines 19-24).

Claim 14 merely require the listing under "children" to "intersect" or overlap in some manner the total entries in the database used to populate the EPG. Clearly, the listing under any sub-category would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

Claim 15 follows from the discussion with respect to claim 14, the programs identifies
under sub-category "children" are a "proper subset" of the total programs in the database since
on can filter the database using "specials" category and get a listing of the "proper" sub-
category therein.

Regarding claim 16, White teaches a consumer device stores the television and the
first filter is input into the consumer device from a source external to the consumer device. For
instance, the channel data is received from a predetermined transponder and the channel
number and channel name are stored in DRAM 25a. Additional channel information such as
the channel logo is stored in the ROM 36 (see col. 5-6, lines 67-3).

Regarding claim 17, White teaches a method for managing television program listing
comprising the steps of: storing a database of available television program listings
comprising a plurality of program/event entries (RAM 51 stores EPG data including guide data,
channel data and program data – see col. 7, lines 6-10 and 30-32); displaying a user
configuration screen having a plurality of program/event sources (categories such as movies,
news, sports, specials...), each program/event source having a predetermined subset of
television programs (sub-category), a first program filter comprising a first list of predetermined
subset of television programs (for instance, sub-category "children") and a second program
filter comprising a second list of predetermined subset of television programs (for instance,
sub-category "music"); selecting at least one of the plurality of program/event sources the first
program filter and the second program filter from the use configuration screen; selecting the
first list of predetermined subset of television programs utilizing the first program filter to
produce a first subset of programs; selecting the second list of predetermined subset of
television programs utilizing the second program filter to produce a second subset of programs;
and generating an electronic program guide displaying television program listings included in

said first predetermined subset and said second predetermined subset (the user can select all or some of the subcategories (see col. 7, lines 25-27), For instance, as shown in figure 13, the user selects a "first subset" or sub-category "children" with a check mark, then select a "second subset" or sub-category "music" with a check mark... and so on. The EPG displays the program listings including all of the selected subsets or selected sub-categories), wherein at least some of the programs of the first predetermined subset are different from the programs of the second predetermined subset, and wherein at least some of the programs of the second predetermined subset are different from the programs of the first predetermined subset (for instance, some of the programs in the "first subset" or first sub-category "soap opera" are different from the programs of the "second subset" or second sub-category "children").

Regarding claim 18, White shows program guide displays television program listings including all of the programs included in said first predetermined subset and all of the programs included in said second predetermined subset (see figure 13).

Claim 19 merely require the listing under "children" to "intersect" or overlap in some manner the total entries in the database used to populate the EPG. Clearly, the listing under any sub-category would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

Regarding claims 20-21, White teaches an interactive filter selective mechanism of available television program listings comprising: a database of available television program listings comprising a plurality of program/event entries (RAM 51 stores EPG data including guide data, channel data and program data – see col. 7, lines 6-10 and 30-32); a plurality of program/event sources (categories such as movies, news, sports, specials...), each program/event source having a predetermined subset of television programs (sub-category); a first program filter comprising a first list of predetermined subset of television programs that

filters the plurality of program/event sources to produce a first subset of programs (for instance,

sub-category "children"); a second program filter comprising second list of predetermined

subset of television programs that filters at least one of the plurality of program/event sources

and the first subset of program to produce a second subset of programs (for instance, sub-

category "music"); a selection of program listing sources including the plurality of

program/event sources, the first subset of programs, and the second subset of programs

(selecting the sub-categories); a user configuration screen having a display of the selecting of

program listing sources, wherein a user selects at least one of the plurality of program/event

sources, the first program filter and the second program filter from the user configuration

screen; and an electronic program guide displaying programs included in said first subset and

said second subset (the user can select all or some of the subcategories - see col. 7, lines 25-

27). Further regarding claim 21, as shown in figure 13, the user selects a "first subset" or sub-

category "children" with a check mark, then select a "second subset" or sub-category "music"

with a check mark...and so on. The EPG displays the program listings including all of the

selected subsets or selected sub-categories.

As to claims 24-27, White teaches the feature of selection of one or all the sub-

categories with the check mark.

As to claims 30-31, the lists of sub-category of the television programs are not provided

with the television program listings as shown in figure 13.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Florin et al. (US 5,621,456) teaches methods and apparatus for audio-visual

interface for the display of multiple program categories.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

ANDREW FAILE
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NV

June 12, 2002